



Attorney Docket No. FBD-1010USC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Brockwell CONFIRMATION NO.: 7951
SERIAL NO.: 10/727,858 ART UNIT: 3727
FILING DATE: December 4, 2003 EXAMINER: Hylton, Robin A.
TITLE: Sample Vial And Vial Closure Device For Use In Gas Analysis
And Method Of Using The Same

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT OF RESTRICTION

Sir:

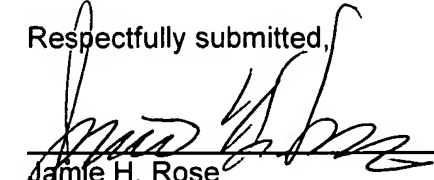
In response to the Office communication mailed from the U.S. Patent Office on January 4, 2006, Applicant submits this Response.

In an action mailed on July 19, 2005, the Examiner required Applicant to elect one of two perceived species: Group I drawn to a closure device having a valve and septum closing an interior of the vial as depicted in Figure 1; and Group 2 drawn to a closure device having a valve and a plurality of O-rings for forming a seal with an associated gas sampling device. Claims 1-19, of which claims 1, 6 and 12 are independent, are pending in the application.

Applicants hereby elect Group II. The Examiner indicated that claims 1 and 6 are generic to Group I and Group II. Further, it appears that claims 2-5, 7, 8, 10-14, 16, 18, and 19 are readable at least on the elected species, i.e., on Group II.

Applicants respectfully request consideration of all pending claims, with claims 1-19 proceeding to allowance. The Commissioner is hereby authorized to charge any fees due with this Response to Deposit Account No. 23-0503.

Respectfully submitted,



Jamie H. Rose
Reg. No.: 45,054
Attorney for Applicants

Date: February 17, 2006

Tel. No.: (508) 482-3869
Fax No.: (508) 482-2320